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Governor

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**NEW MEXICO
ENVIRONMENT DEPARTMENT**

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BUTCH TONGATE
Cabinet Secretary

J. C. BORREGO
Deputy Secretary

Certified Mail - Return Receipt Requested

March 22, 2018

Jeff Grady, Construction Manager
Raylee Luxury Homes
4131 Barbara Loop SE
Rio Rancho, NM 87124

Re: **Raylee Luxury Homes; Construction Stormwater; SIC 1522; NPDES Compliance Evaluation
Inspection; NPDES #NMR100066; February 21, 2018**

Dear Mr. Grady:

Enclosed please find a copy of the report and check list for the referenced inspection that the New Mexico Environment Department (NMED) conducted at your facility on behalf of the U.S. Environmental Protection Agency (USEPA). This inspection report will be sent to the USEPA in Dallas for their review. These inspections are used by USEPA to determine compliance with the National Pollutant Discharge Elimination System (NPDES) permitting program in accordance with requirements of the federal Clean Water Act.

Introduction, detailed site observations, and findings noted during this inspection are discussed in the "NPDES Construction General Permit" section of the inspection report.

You are encouraged to review the inspection report, required to correct any problems noted during the inspection, and advised to modify your operational and/or administrative procedures, as appropriate. If you have comments on or concerns with the basis for the findings in the NMED inspection report, please contact us (see the address below) in writing within 30 days from the date of this letter. Further, you are encouraged to notify in writing both the USEPA and NMED regarding modifications and compliance schedules at the addresses below:

Robert Houston
US Environmental Protection Agency, Suite 1200
Enforcement Branch (6EN-WS)
1445 Ross Avenue
Dallas, Texas 75202-2733

Sarah Holcomb, Program Manager
New Mexico Environment Department
Surface Water Quality Bureau
Point Source Regulation Section
P.O. Box 5469
Santa Fe, New Mexico 87502

Raylee Luxury Homes

March 22, 2018

NMR100066

If you have any questions about this inspection report, please contact Daniel Valenta at 505-827-2575 or at daniel.valenta@state.nm.us.

Sincerely,

/s/Sarah Holcomb

Sarah Holcomb
Surface Water Quality Bureau

Cc: Carol Peters-Wagnon, USEPA (6EN-WM) by e-mail
David Long, USEPA (6EN-WM) by e-mail
Amy Andrews, USEPA (6EN-WM) by e-mail
David Esparza, USEPA (6EN-WM) by e-mail
Robert Houston, USEPA (6EN-WS) by e-mail
Darlene Whitten-Hill, USEPA (6EN-WC) by e-mail
Nancy Williams, USEPA (6EN-WC) by e-mail

NPDES Construction General Permit Inspection Report – State of New Mexico

Inspection Date	2/21/2018	Entry Time Exit Time	Entry: 1025 hours Exit: 1355 hours
Inspector Name/ Telephone	Daniel Valenta (505) 827-2575 Sandra Gabaldon		
Facility Name/ Physical Location	The Peaks-Mariposa East Blue Grama NW & Castle Peak Loop Rio Rancho NM 87144		
Facility Type	<input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Residential <input type="checkbox"/> Municipal <input type="checkbox"/> Industrial		
County Location	Bernalillo County		
Latitude/Longitude (Decimal Degrees)	34.009° N, -106.0598°E		

Operator/Mailing Address	Date Company Operation Began	Authorized Official(s)	Phone	NPDES Tracking Number	NOI Cert Date	SWPPP Cert Date
Raylee Luxury Homes	4/22/2015	Jeff Grady	505-975-7544	NMR10 0066	5/9/2017	Not dated Signature unknown

Was project covered under a previous permit?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If yes, previous NPDES Tracking Numbers:	N/A
Actual Start Date	Unknown
Estimated End Date	Unknown
Disturbed Area	<input type="checkbox"/> >5 acre <input type="checkbox"/> 1>acre<5 <input checked="" type="checkbox"/> <1acre and part of larger common plan
Receiving Water, including information on segment number, impairments, tier	May discharge to the Arroyo de la Baranca to the Rio Grande in WQS 20.6.4.106.

Permittee Representatives Present During Inspection:			
Name	Company/Organization	Title	Telephone
Mr. Mark Janek	Raylee Homes	Project Manager	505-975-5385
Mr. Jeff Grady	Raylee Homes	Construction Manager	505-975-7544



Form Approved
OMB No. 2040-0003
Approval Expires 7-31-85

NPDES Compliance Inspection Report

Section A: National Data System Coding

Transaction Code	NPDES	yr/mo/day	Inspec. Type	Inspector	Fac Type
1 N 2 5 3 N M R 1 0 0 0 6 6 11 12 1 8 0 2 2 1 17 18 }				19 S 20 2	
Remarks					
C O N S T R U C T I O N > 1 A C R E					
Inspection Work Days	Facility Evaluation Rating	BI	QA	Reserved	
67 69	70 3	71 N	72 N	73 74 75	80

Section B: Facility Data

Name and Location of Facility Inspected (For industrial users discharging to POTW, also include POTW name and NPDES permit number) The Peaks East, Blue Grama NW & Castle Peak, Rio Rancho, NM 87144 Sandoval County	Entry Time /Date 1025/2-21-2018	Permit Effective Date 2-16-2017
	Exit Time/Date 1355/2-21-2018	Permit Expiration Date 2-16-2022
Name(s) of On-Site Representative(s)/Title(s)/Phone and Fax Number(s) Mr. Mark Janek/Project Manager/505-975-5385 Mr. Jeff Grady/Construction Manager/505-975-7544		Other Facility Data LAT 34.009 N LONG -106.0598 W SIC 1522
Name, Address of Responsible Official/Title/Phone and Fax Number Mr. Jeff Grady, 4131 Barbara Loop, Rio Rancho, NM 87124/Construction Manager/505-975-7544		
Contacted Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		

Section C: Areas Evaluated During Inspection (S = Satisfactory, M = Marginal, U = Unsatisfactory, N = Not Evaluated)

S	Permit	N	Flow Measurement	S	Operations & Maintenance	N	CSO/SSO
U	Records/Reports	N	Self-Monitoring Program	N	Sludge Handling/Disposal	N	Pollution Prevention
S	Facility Site Review	N	Compliance Schedules	N	Pretreatment	N	Multimedia
N	Effluent/Receiving Waters	N	Laboratory	S	Storm Water	N	Other:

Section D: Summary of Findings/Comments (Attach additional sheets if necessary)

This report is based on review of files maintained by the permittee and NMED, on site observation by NMED personal and verbal information provided by the facility's representative.

Arriving on site at approximately 1025, accompanied by Ms. Sandra Gabaldon, the inspector made introductions, presented credentials and explained the purpose of the inspection to Mr. Jeff Grady. A short exit interview was conducted at the site with Mr. Jeff Grady, the inspector left the site at approximately 1355.

Please see further explanations for details.

Name(s) and Signature(s) of Inspector(s) Daniel Valenta /s/Daniel Valenta	Agency/Office/Telephone/Fax NMED/SWQB 505-827-2575	Date 3/22/2018
Signature of Management QA Reviewer Jennifer Foote /s/Jennifer Foote	Agency/Office/Phone and Fax Numbers NMED/SWQB 505-827-2637	Date 3/22/2018

**The Peaks Mariposa East
February 21, 2018
NMR100066**

Section I – Introduction:

On February 21, 2018, a Compliance Evaluation Inspection (CEI) was conducted at the Peaks Mariposa East site, operated by Raylee Luxury Homes as the General Contractor under USEPA Construction General Permit (CGP) Notice of Intent (NOI) tracking number NMR100066 by Daniel Valenta and Sandra Gabaldon of the State of New Mexico Environment Department (NMED), Surface Water Quality Bureau (SWQB).

The inspection was conducted by NMED for the US Environmental Protection Agency (USEPA), Region V I , under the NPDES permit program, in accordance with the federal Clean Water Act. These inspections are conducted on behalf of the USEPA and are used by EPA to evaluate compliance with the NPDES permit program. This inspection report is based on information supplied by the permittee representatives, observations made by the NMED inspector, and reports and records kept by the permittee and/or NMED.

The Peaks Mariposa East construction sites are estimated to disturb approximately 2.25 acres in a project to build Luxury Homes on purchased sites as they are ordered. The discharge of stormwater from the construction sites may enter the Arroyo de la Baranca and thus to the Rio Grande in NMAC 20.6.4.106. The Arroyo de la Barranca an intermittent unassessed water under NMAC 20.6.4.98. Designated uses are livestock watering, wildlife habitat, marginal warmwater aquatic life and primary contact.

The project consists of new residential home construction in the Peaks Mariposa East subdivision. Construction activities occurring include grading, utility and foundation excavation, new building construction, paving, and landscaping and drainage improvements. The activities to occur onsite are consistent with home building construction activities. Runoff from the construction areas onsite will be directed to existing and proposed detention and water quality control structures, which will be used as sediment traps during construction by both temporary and permanent BMPs onsite.

Section II – Observations Summary:

Permit:

There is only one operator at this construction site that require permit coverage, Raylee Luxury Homes. They purchase the property and construct a home which will be sold to a resident. At the time of the inspection, they have submitted an effective Notice of Intent (NOI), and received permit coverage and were assigned NMR100066 for tracking purposes.

SWPPP:

A SWPPP plan was available for review at the main office in Rio Rancho. The SWPPP included material on 7.2.2 Stormwater Team, 7.2.3 Nature of Construction Activities, 7.2.4 the Site Map was legible, and the other required sections in chapter 7.0-7.4.4.

The Peaks Mariposa East
February 21, 2018
NMR100066

Recordkeeping & Inspections:

Generally, schedules and other documentation should be in the SWPPP for corrective action, training forms were blank. Inspections were not completed within the required timeframe of every two weeks or after a 0.25" rain event. Six inspections were completed beginning 5/2/2017, one every month. Inspections ended after 9/5/2017. In the SWPPP it is written that site inspections will be completed every 14 days between October 1st through June 14. And during the monsoon season site inspection will occur every 7 days.

BMPs/Implementation:

The sites being built on have been leveled with completed sidewalks and streets. The footprint is a typical rectangle residential plot. The backside of the property has a cinder brick wall with the front facing the sidewalk and street. Silt fences have been installed on the sides.

Permit Eligibility

Findings:

- The owner/operator did not post the publicly accessible NOI information.
- Although the NOI documented eligibility for the permit under Criterion C for Endangered Species Act purposes, there was no documentation present in the SWPPP. No documentation was present to confirm that the owner or operator had used the process outlined in Appendix D of the permit.
- Additionally, no documentation was present in the SWPPP to indicate that the process in Appendix E had been followed for NHPA considerations.

Design, Installation and Maintenance Requirements

Finding:

- A RUSLE evaluation was present in the SWPPP. Per 9.4.1.S sediment loss during construction must not increase from preconstruction conditions. The RUSLE calculation in the SWPPP demonstrated an increase in soil loss from preconstruction of 0.07 to an increase of 0.16 during construction phase.
- On the day of the inspection each of the construction sites had a dumpster present to collect construction wastes, but without a cover and per the permittee representative stated they were not covered at night.

Water Quality Based Effluent Limitations

The Peaks Mariposa East
February 21, 2018
NMR100066

Finding:

- It has been dry in this area for several months. No visible signs of a discharge occurring were found.

Site Inspection Requirements

Findings:

- It was reported to the inspector by Jeff Grady the person who oversaw NPDES stormwater compliance and completed site inspections, Mr. Dan Mallak, was no longer with the company. No inspections were completed after 9/5/2017. After this CEI Raylee Luxury Homes has contracted with Green Globe Environmental to complete site inspections. Site inspection completed on 3/2/2018 by Green Globe Environmental.

Permit Implementation (Site Review)

Findings:

- Slight track out from the sites was observed on the paved streets.
- Some damaged silt fences need to be repaired or replaced.
- A small amount of concrete wash out was found around the area. A washout container was present.
- A rain gauge should be present at the site to document rain events.

Note: See attachment A for photos submitted for review after the inspection on February 21, 2018.

**NMED/SWQB
Official Photograph Log**

Photo # 1

Photographer: Daniel Valenta	Date: 2/21/2018	Time: 2029 hours
City/County: Rio Rancho/Bernalillo		
Location: Blue Grama NW & Castle Peak Loop		
Subject: Staging lot, portable toilet staked down, cement washout in background. Waste bin has no cover.		



**NMED/SWQB
Official Photograph Log**

Photo # 2

Photographer: Daniel Valenta	Date: 2/21/2018	Time: 1038 hours
City/County: Rio Rancho/Bernalillo		
Location: Blue Grama NW & Castle Peak Loop		
Subject: A small amount of track out can be found at the sites. Broken silt fence needs to be repaired.		



**NMED/SWQB
Official Photograph Log**

Photo # 3

Photographer: Daniel Valenta	Date: 2/21/2018	Time: 1331 hours
City/County: Rio Rancho/Bernalillo		
Location: Blue Grama NW & Castle Peak Loop		
Subject: Uncovered dumpster at another home construction site.		



Attachment A



